**Section 218.10 General Provisions**

This Part implements Article 18A of the Election Code, setting forth procedures to be followed when counting provisional ballots (see Section 18A-5 of the Code) that were voted and cast in a precinct other than the precinct in which the provisional voter is registered.

a) Definitions

"Citywide or Villagewide Office" means an office elected by the electors of an entire municipality.

"Correct Precinct" means the precinct containing the addresses at which the provisional voter resides and at which he/she is registered to vote.

"Countywide Office" means the offices of Clerk, Sheriff, State's Attorney, Circuit Court Clerk, Recorder, Auditor, County Board President, County Board Member or County Commissioner in those counties that elect those officers countywide, Coroner, Regional Superintendent of Schools, Sanitary District Commissioners/Trustees, Assessor, Board of Review Members in those counties that elect those officers countywide, and Treasurer. Some of the above offices are not elected offices in certain counties as they are appointed or simply do not exist in the county.

"Election Authority" means either the County Clerk, County Board of Election Commissioners or Municipal Board of Election Commissioners, as the case may be.

"Election Code" or "Code" means 10 ILCS 5.

"Election Jurisdiction" means an entire county, in the case of a county in which no city board of election commissioners is located or that is under the jurisdiction of a county board of election commissioners; the territorial jurisdiction of a city board of election commissioners; and the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance, election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors.

"Incorrect Precinct" means the precinct in which the voter cast a provisional ballot, but is not the precinct containing the address at which he/she is registered to vote. In order for a provisional ballot to be eligible for counting when cast in an incorrect precinct, that precinct must be located within either the county or municipality in which the voter is registered.

"Leading Established Political Party" means one of the two political parties whose candidates for Governor at the most recent 3 gubernatorial elections received either the highest or second highest average number of votes. The first leading political party is the party whose candidate for Governor received the highest average number of votes in the 3 most recent gubernatorial elections and the second leading political party is the party whose candidate for Governor received the second highest average number of votes in the 3 most recent gubernatorial elections.

"Legislative District" means the district in which an Illinois State Senator is elected to serve the residents.

"Persons Entitled to Vote Provisionally" or "Provisional Voter" means a person claiming to be a registered voter who is entitled by Section 18A-5 of the Code to vote a provisional ballot under the following circumstances:

*The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote*;

*The person's voting status has been successfully challenged by an election judge, a pollwatcher or any legal voter*;

*A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period*;

*The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so*;

*The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period*; or

*The voter received an absentee ballot but did not return the absentee ballot to the election authority,* and failed to surrender it to the election judges. (Section 18A-5 of the Code)

"Statewide Office" means the Constitutional offices of Governor and Lt. Governor running jointly, Secretary of State, Attorney General, Comptroller and Treasurer.

"Township Office" means an office elected by the electors of an entire township.

b) Procedures for Voting Provisionally in the Polling Place

1) If any of the 6 reasons (cited in the definition of provisional voter in subsection (a)) for casting a provisional ballot exists, *an election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address* (and/or consult any alternative tools provided by the election authority for determining a voter's correct precinct polling place) *and instruct the person to go to the proper polling place to vote.* (Section 18A-5(b)(1) of the Code)

2) Once it has been determined by the election judges that the person is entitled to receive a provisional ballot, and the voter has completed the provisional voter affidavit (see Section 18A-5(b)(2) of the Code), the voter shall be given a provisional ballot and shall proceed to vote that ballot. Upon receipt of the ballot by the election judges, the ballot shall be transmitted to the election authority in accordance with Section 18A-10(a) of the Election Code.

3) In the event that a provisional ballot is mistakenly cast in a precinct other than the precinct that contains the voter's address of registration, the following Section shall apply. (This is a situation in which the voter believed he/she registered in the precinct in which he/she voted provisionally, and the election judges should have, but did not direct the voter to vote in the correct precinct.)